Approved For Release 2006/10/18 : CIA-RDP58-00453R000300120070-2

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation, "To amend further the Missing Persons Act, as amended."

This proposal is a part of the Department of Defense Legislative Program for 1954 and it has been approved by the Bureau of the Budget. The Department of Defense recommends that it be enacted by the Congress.

Purpose of the Legislation

This proposal would revise the Missing Persons Act (56 Stat. 143), as amended (50 U.S.C. App. 1001 et seq.), and would provide permanent authority for executive heads of military or other Governmental departments to continue payment of the pay and allowances of military and civilian personnel during periods of absence from their posts of duty in several variations of a missing status, to initiate and discontinue allowances of dependents of such personnel, and to make presumptive findings of death and other determinations under appropriate circumstances. Under current provisions of law the Missing Persons Act will expire February 1, 1954.

At the outbreak of hostilities in World War II there was no law which authorized the services to make adequate provisions for the dependents of certain categories of persons who for various causes were placed in a missing status. The lack of such legislation during the early months of that emergency not only subjected the dependents to hardships, but also confronted the military services with many administrative problems in an attempt, adequately and equitably, to minister to their needs.

In order to correct this condition, the Congress enacted the Missing Persons Act on March 7, 1942, and the military services operated under that law until it was abrogated by section 3 of the Act of July 25, 1947 (61 Stat. 451). It was realized, however, that there was a continued need for legislation of this type because of the mounting tension throughout the world and the increasing number of international incidents which involved mysterious disappearances or detention of individuals at the will of an unfriendly power or hostile minority. In addition, large numbers of civilians as well as military personnel continued to serve within, or in the near vicinity of those troubled areas.

Consequently, such legislation was revived by section 4 (e) of the Selective Service Act of 1948 (62 Stat. 608). In enacting the 1951 amendments to the Universal Military Training and Service Act

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(65 Stat. 75), (which are in fact amendments to the Selective Service Act of 1948), the Congress made no change in section 4(e), supra. It is believed that legislation of this type is necessary to meet the present demands of the international situation and would be essential immediately in the event of war; and that such legislation should be of a permanent nature.

The draft of bill is designed to accomplish the following:

a. To amend section 1(a)(3) of the Missing Persons Act to provide that part-time employees, intermittent employees, and persons who are residents of their places of employment in the Territories and possessions or in foreign countries, shall be included within the provisions of the Act only upon a determination by the head of the department concerned that the missing status was the proximate result of employment by the department concerned. Full coverage would be retained for civilian officers and employees of the Executive departments during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska.

b. To amend section 2 by making certain technical revisions in language to provide coverage for persons interned in a foreign country or captured, beleaguered, or besieged by a hostile force.

c. To amend sections 6 and 9 by making certain technical revisions in language consistent with the proposed amendments to section 2 of the Missing Persons Act.

d. To amend section 12 to provide that household and personal effects of any person in active service (without regard to pay grade) who is officially reported as dead, injured, or missing may be moved to the official residence of record for any such person, or, upon application by such dependents, next of kin, or such other persons who may have a substantial interest in the return of the household and personal effects, or upon the person's own application if injured, to such other location approved by the head of the department concerned. In addition, the head of the department concerned would be authorized to store household and personal effects of the person until such time as proper disposition can be made.

e. To amend section 15 to eliminate the reference to the termination date (February 1, 1954), and make the Act retroactive to June 24, 1948, the date of enactment of the Selective Service Act of 1948.

Cost and Budget Data

Since the number of persons on whose accounts payments are made under the Missing Persons Act fluctuates directly in ratio to combat operations, it is impossible to state with any degree of accuracy the

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cost of continuing this Act in effect. However, the Department of the Army has developed the following data for the period 1 January to 30 June 1952 as illustrative of the costs for that period:

Officers	-	467	$1,265,561
Warrant Officers	-	18	40,014
Enlisted	-	9,547	8,301,522

The cost of the slight additional benefits which would flow from enactment of the amendments to the Missing Persons Act provided for in this proposal would be absorbed in the applicable available appropriations.

Department of Defense Action Agency

The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely yours,

For the Assistant Secretary

Inclosure

Honorable Joseph W. Martin, Jr.

Speaker of the House of Representatives

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